



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,358	06/29/2000	Yoshitaka Nakamura	13755	7385

23389 7590 12/08/2004

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9/3

Office Action Summary

Application No.

09/606,358

Applicant(s)

NAKAMURA, YOSHITAKA

Examiner

Kamran Afshar, 703-305-7373

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 19-21, 25-27, 30, 31, 38, 40-43, 45, 46 and 48 is/are rejected.
- 7) ☒ Claim(s) 6, 8-18, 22-24, 28, 29, 32-37, 39, 44 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/29/2000.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 12/23/03 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. **whether the object device is in an active state, whether the object device is communicable with the mobile station, and if the object device is connected to the mobile station; and lets the user respond to an incoming call without checking the status of the object device, regardless of the status of the object device; and the communication system comprised of a mobile terminal, such as a cellular phone, and an object or image device, such as a video terminal device, a digital camera, a digital video camera or a VCR; both mobile terminal and the image device and the image device are used by the same user and used independently of each other without transmitting an image to any other device from the image device** (See e.g. Page2, Line 19 – Page 3, Line 3, Page 3, Line 20 – Page 4, Line 3)) are not recited in independent rejected claims 1, 25, 26, 45 (See e.g. Page 4, Lines 17-22). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, the previous rejection is maintained. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 19-21, 25-27, 30-31, 38, 40-43, 45-46, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Grub (U.S. Patent 5,060,296).

With Respect to claims 1, 25-26, 45 APA discloses computer-readable storage medium / a method / a communication system which comprises a base station, a mobile station inherently communicable with the base station through a radio channel, and an object device controllable by the radio channel (See Background of the invention, Page 1, Lines 1-19). However, The APA does not teach a monitoring unit for monitoring status of the object device to produce a status signal representative of the status of the object device; and a control unit, coupled to the monitoring unit, for responding to the base station through the radio channel on the basis of the status signal when the mobile station is called by the base station. In the same field of endeavor, Grub teaches a monitoring unit for monitoring status of the object device to produce a status signal (See e.g. signals A and B of Figs. 1-2) representative of the status of the object device; and a control unit, coupled to the monitoring unit (See e.g. 101 of Fig. 2), for responding to the base station through the radio channel on the basis of the status signal when the mobile station is called by the base station (See Co. 1, Lines 26-47). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Grub to APA to provide a resource controller functions to control communications between the various communication units as suggested by Grub (See e.g. Co. 1, Lines 55-53).

Regarding claim 2, APA teaches the base station inherently transmits an image to the mobile station in the form of a sequence of image data signals through the radio channel on calling the mobile station (See Background of the invention, Page 2, Lines 14-21).

Regarding claim 3, APA teaches the object device includes a display unit for visually displaying the image (See Background of the invention, Page 1, Lines 1-19).

Regarding claim 4, APA teaches the object device is controlled by the mobile station through a radio channel (See Background of the invention, Page 1, Lines 1-19).

Regarding claim 5, APA teaches the object device is coupled to the mobile station through an infrared ray (See Background of the invention, Page 1, Lines 1-19).

Regarding claim 7, APA teaches the base station transmits both a voice and an image to the mobile station in the form of voice and image data signal sequences, respectively, through the radio channel on calling the mobile station (See Background of the invention, Page 2, Lines 14-21).

Art Unit: 2681

Regarding claim 19, Grube teaches the monitoring unit monitors the status of the object device only when a call is received from the base station (See e.g. Co. 2, Lines 54-67).

Regarding claim 20, Grube teaches the monitoring unit monitors, as the status of the object device, whether or not the object device is connected to the mobile station (See e.g. Co. 2, Line 66 – Co. 3, Line 1).

Regarding claim 21, Grube teaches the control unit responds to the base station by notifying it of receiving a voice when a voice call is received from the base station by the mobile station (See e.g. Co. 2, Line 66 – Co. 3, Line 1).

Regarding claims 27, 46, Grube teaches receiving the status signal from the object device (See Co. 1, Lines 26-47); and detecting the status of the object device to transmit the status of the object device to the base station (See e.g. Co. 2, Line 55 – Co. 3, Line 15).

Regarding claim 30, APA teaches transferring a data signal sequence from the mobile station to the object device (See Background of the invention, Page 2, Lines 14-21).

Regarding claim 31, APA teaches the mobile station is coupled to the object device through a radio channel (See Background of the invention, Page 1, Lines 1-19).

Regarding claim 38, Grube teaches transmitting a response for reception of an image data signal to the base station when the mobile station is connected to the object device in the monitoring step (See e.g. Co. 2, Line 55 – Co. 3, Line 15).

Regarding claim 40, Grube teaches accessing the object device to detect the status of the object device each time when the mobile station receives a reception call (See e.g. Co. 2, Line 55 – Co. 3, Line 15).

Regarding claim 41, Grube teaches transmitting, to the base station, a response for receiving a voice data signal when the mobile station receives a reception call for the voice data signal (See e.g. Co. 2, Line 55 – Co. 3, Line 15).

Regarding claims 42-43, APA teaches switching from reception of either one of voice and image data signals to reception of another one and detecting a species of either the voice or the image data signal (See Background of the invention, Page 1, Lines 1-19, Page 2, Lines 14-21).

Art Unit: 2681

Regarding claim 48, APA teaches the object device is operable in response to the image data signal sequence (See Background of the invention, Page 2, Lines 14-21).

Allowable Subject Matter

4. Claims 6, 8-18, 22-24, 28-29, 32-37, 39, 44, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 6, the prior art of record fails to disclose or render obvious wherein the control unit responds to the base station by notifying the base station of rejection of the response when the monitoring unit detects that the object device is put in uncontrollable status.

Regarding claim 8, the prior art of record fails to disclose or render obvious wherein the control unit notifies the base station of status of receiving only the voice signal sequence when the monitoring unit detects that the object device is put into uncontrollable status.

Regarding claim 9, the prior art of record fails to disclose or render obvious wherein the control unit notifies the base station of holding a response when the monitoring unit detects that the object device is put into uncontrollable status.

Regarding claim 16, the prior art of record fails to disclose or render obvious that the control unit transmits, to the base station, a notification of receiving the image data signal sequence when the monitoring unit detects that the object device is put into a controllable state.

Regarding claim 17, the prior art of record fails to disclose or render obvious wherein the monitoring unit comprises a device monitor for periodically monitoring the status of the object device to produce a status information signal representative of the status of the object device and a memory portion for memorizing the status information signal; the control unit comprising: a transmission element coupled to the memory portion for responding to the base station on the basis of the status information signal.

Regarding claim 22, the prior art of record fails to disclose or render obvious that the base station transmitting both a voice and an image to the mobile station in the form of voice and image data signal sequences, respectively, through the radio channel on calling the mobile station, wherein the control unit

Art Unit: 2681

comprises a detecting element for detecting a species signal representative of either one of the voice and the image data signal sequences.

Regarding claim 28, the prior art of record fails to disclose or render obvious that the base station transmitting both a voice and an image to the mobile station in the form of voice and image data signal sequences, respectively, through the radio channel on calling the mobile station, wherein the responding step comprises the steps of: receiving the image data signal sequence from the base station; carrying out an operation determined for reception of the image data signal sequence; and informing the base station of the result of the operation.

Regarding claim 39, the prior art of record fails to disclose or render obvious wherein the monitoring step comprises the step of: periodically storing status of the object device into a memory; the responding step comprising the steps of: periodically accessing the memory to read the status of the object device out of the memory; and transmitting, to the base station, a response determined by the status of the object device stored in the memory.

Regarding claim 44, the prior art of record fails to disclose or render obvious wherein the detecting step is carried out by the use of the TEMID included in a control signal to judge whether the reception call is either a voice reception call or an image reception call.

Regarding claim 47, the prior art of record fails to disclose or render obvious that the base station transmitting both a voice and an image to the mobile station in the form of voice and image data signal sequences, respectively, through the radio channel on calling the mobile station, wherein the responding step comprises the steps of: receiving the image data signal sequence from the base station; carrying out an operation determined for reception of the image data signal sequence; and informing the base station of the result of the operation.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

Art Unit: 2681

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached @ (703) 308-4825. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.



Kamran Afshar



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600